

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:20-CV-4-D

RICHARD L. JOHNSON,

Plaintiff,

v.

GERALD BAKER, Sheriff of Wake  
County, in his official capacity,


Defendant.

**ORDER**

On June 15, 2021, Gerald Baker (“Baker” or “defendant”) moved for summary judgment [D.E. 42], filed a memorandum in support [D.E. 43], a statement of material facts [D.E. 44], and various other documents in support [D.E. 45–58]. On July 27, 2021, Richard L. Johnson (“Johnson” or “plaintiff”) responded in opposition [D.E. 60–64]. On August 17, 2021, Baker replied. See [D.E. 69–76].

The court has reviewed Baker’s motion for summary judgment under the governing standard. See Fed. R. Civ. P. 56; see also Scott v. Harris, 550 U.S. 372, 378 (2007); Celotex Corp. v. Catrett, 477 U.S. 317, 325–26 (1986); Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 247–55 (1986); Matsushita Elec. Indus. Co. v. Zenith Radio Corp., 475 U.S. 574, 585–87 (1986). Genuine issues of materials fact exist and preclude summary judgment. Accordingly, the court DENIES defendant’s motion for summary judgment [D.E. 42]. The parties shall engage in a court hosted settlement conference with United States Magistrate Judge James E. Gates. If the parties cannot settle the case, they shall propose trial dates in August, September, or October 2022.

SO ORDERED. This 22 day of February, 2022.

  
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JAMES C. DEVER III  
United States District Judge